

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201901030	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/28/2019 7:30 AM	Location of Incident: [REDACTED]	Precinct: 76	18 Mo. SOL 7/28/2020	EO SOL 3/14/2021	
Date/Time CV Reported Mon, 02/04/2019 12:50 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/04/2019 12:50 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Saurabh Shah	17820	951238	HWY 02

Officer(s)	Allegation	Investigator Recommendation
A.POM Saurabh Shah	Abuse: Police Officer Saurabh Shah stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.POM Saurabh Shah	Force: Police Officer Saurabh Shah pointed his gun at § 87(2)(b)	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On February 4, 2019, § 87(2)(b) filed the following complaint by phone.

On January 28, 2019, at approximately 7:30 a.m., § 87(2)(b) was driving his car on the Brooklyn-Queens Expressway towards Exit 26 in Brooklyn. As he was approaching the exit towards the Hugh L. Carey Tunnel, he decided to switch lanes and merged across the solid double lines. As § 87(2)(b) was driving, he observed PO Saurabh Shah of Highway Unit 2 motioning for him to pull over (**Allegation A: Abuse of Authority**; § 87(2)(g)). As § 87(2)(b) was attempting to pull over, PO Shah drew his firearm and pointed it at him (**Allegation B: Force**; § 87(2)(g)). After § 87(2)(b) pulled over, he provided his § 87(2)(b) identification to PO Shah, who then released him without issuing a summons.

§ 87(4-b), § 87(2)(g)

PO Shah's dash camera footage from the incident was obtained by the investigation [BR01].

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Saurabh Shah stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Force: Police Officer Saurabh Shah pointed his gun at § 87(2)(b)

While PO Shah acknowledged drawing his gun as he pulled § 87(2)(b) over, it remains in dispute as to whether he pointed it at § 87(2)(b).

§ 87(2)(b) testified that he was driving in the right lane towards the Hugh L. Carey Tunnel exit on Brooklyn-Queens Expressway, when he decided to switch lanes and take the Brooklyn Bridge exit. He signaled to merge, and the car behind him allowed him space to do so. He then crossed the double lines into the left-most lane heading towards the Brooklyn Bridge exit. He did not observe PO Shah motioning for him to pull over until he was approximately five to ten feet away from him. § 87(2)(b) slowed down and began to turn, but struggled to space his turn, as he did not have enough room to move forward without PO Shah moving back. After approximately twenty seconds, as § 87(2)(b) was still attempting to pull over, PO Shah pulled out his gun and pointed it straight at him. § 87(2)(b) finished pulling over slowly, with his palms on the steering wheel. PO Shah approached him and § 87(2)(b) asked why he had pointed his firearm. PO Shah responded that he "saw on the news" how dangerous things have become for police officers. PO Shah requested § 87(2)(b) § 87(2)(b) identification after seeing a plaque in his car indicating he worked for § 87(2)(b), which § 87(2)(b) provided. After examining it, PO Shah released § 87(2)(b) without issuing him a summons or speaking with him further [BR02].

PO Shah testified that he was standing in a zebra-striped shoulder lane, conducting "step out" onto the highway, in which he pulled over traffic violators. As he was moving from the highway lanes towards his car, he observed § 87(2)(b) cut off several cars, cross the zebra-striped lines, and continue to drive straight down the Brooklyn-Queens Expressway at a rate of 30 to 40 miles per hour. After observing § 87(2)(b) for about five seconds, PO Shah, who was standing in the lane § 87(2)(b) had crossed into, pulled out his firearm. § 87(2)(b) was approximately three car lengths away. He did not recall if he had signaled for § 87(2)(b) to pull over prior to drawing his firearm. PO Shah explained that, due to § 87(2)(b)'s high speed and how he cut off multiple cars while crossing the zebra-striped lines, he believed that § 87(2)(b) was attempting to avoid being pulled over. He stated that, as per the Patrol Guide, he may draw his firearm should he fear for his safety. He further added that § 87(2)(b) was

driving towards him at a high rate of speed and believed he may have intended to strike him with his car. PO Shah denied pointing his firearm at § 87(2)(b) but was not “100% sure.” After pulling his firearm, § 87(2)(b) pulled over and PO Shah holstered his gun. He approached § 87(2)(b)'s car and asked for his license and registration. After seeing that § 87(2)(b) was a teacher, he decided not to issue a summons and released him [BR03].

At 02:10 minutes, dash camera footage from PO Shah partially captured § 87(2)(b) pulling over and PO Shah acknowledging that he drew his firearm. PO Shah told § 87(2)(b) that he believed he was going to hit him with his car, which § 87(2)(b) denied. The footage did not capture PO Shah drawing or pointing his firearm at § 87(2)(b) or any actions prior to, as both parties were off-screen [BR01].

According to NY CLS Vehicle and Traffic §1110(a), every person shall obey the instructions of any traffic-control device applicable to him...unless otherwise directed by a traffic or police officer [BR04].

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second CCRB complaint § 87(2)(b) has been party to [BR07].
- PO Shah has been a member of service for eight years. This is the first complaint in which PO Shah has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) initially agreed to mediate this complaint; however, he later filed a lawsuit regarding this incident, making the complaint unsuitable for mediation.
- According to Eastern District of New York, § 87(2)(b) has filed a federal lawsuit with the law firm of Emery, Celli, Brinckerhoff, and Abady LLP against New York City Police Department and Officer John Doe [BR08].

- According to the Office of Court Administration (OCA), § 87(2)(b) has no criminal conviction in history in New York City [BR09].

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date